

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36181 of 2020

Arising Out of PS. Case No.-124 Year-2020 Thana- CHAKAI District- Jamui

1. KAJAL DEVI wife of GANDHI PASWAN Resident of Village- Kali Bank, P.S.- Chakai, District- Jamui.
2. Sabiya Devi @ Savitri Devi Wife of Manoj Paswan Resident of Village- Kali Bank, P.S.- Chakai, District- Jamui
3. Kundan Paswan son of Manoj Paswan Resident of Village- Kali Bank, P.S.- Chakai, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Adv
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 20-02-2021 Heard learned counsel for the petitioners and learned APP for the State. Learned counsel for the petitioners undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioners are in custody since 06.07.2020 in connection with Chakai P.S. Case No. 124 of 2020 for the alleged offences under Sections 302/120(B)/34 of the Indian Penal Code.

3. It is submitted that the petitioners have been falsely implicated in connection with alleged murder of the informant's brother Akshay Kumar. It is submitted that there is no eye-witness to the occurrence and except suspicion there is no



objective material to support the prosecution story. It is submitted that in fact the deceased had committed suicide by hanging himself as he had illicit relation with petitioner no. 1 and for which panchaiyati has been held in which he has been chided in the past. There is admitted land dispute between the parties. The petitioners have already suffered more than seven months in custody and claim clean antecedents.

4. Learned APP has obtained a copy of the case diary in order to assist this Court, which on request is placed on record. He invites reference to the post mortem report contained in the case diary which discloses "black ligature mark present in whole neck upto both side back to ear. Size 1"x whole neck upto both side back of ear. Fracture of neck bone c3, c4 and c5. Neck move freely (LT) to (RT) and (RT) to (LT) neck upto both side of ear."

5. Having regard to the nature of accusations, gravity of offence alleged and material against petitioner no. 3 in the case diary, this Court is not inclined to grant the privilege of bail to him. The bail petition as against petitioner no. 3 accordingly stands dismissed.

6. As regards petitioner nos. 1 and 2 against whom there does not appear to be specific accusation and having regard to the period of custody already suffered by them since 06.07.2020, let the petitioner nos. 1 and 2 above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-III, Jamui in connection with Chakai P.S. Case No. 124 of 2020, if they are not otherwise required in any other case.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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